



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,352	06/05/2000	Naofumi Kobayashi	FUJY 17.397	7433

7590 09/22/2003  
Katten, Muchin, Zavis & Rosenman  
575 Madison Ave.  
New York, NY 10022-2585

EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 09/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,352

Applicant(s)

KOBAYASHI, NAOFUMI

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-17, 19, 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,519,254 to *Chauh et al.* ("*Chauh*") in view of "Aggregating RSVP-based QoS Requests" to *Guerin et al.* ("*Guerin*").

As to **claim 1**, *Chauh* discloses a modified RSVP-based tunnel protocol for aggregated traffic using a receiver-driven tunnel assignment/admission control procedure [column 2, lines 1-18; column 5, lines 1-23]. In particular, *Chauh* draws a correlation between a first guaranteeing apparatus 20 to TSP 15 and a second guaranteeing apparatus 30 to TDP 25 (see figure 3). *Chauh* also discloses the functionality for a distinguishing unit 202 for classifying target traffics, a resource reservation unit 209 for reserving resources, and a receiving unit 201 for receiving the encapsulated traffic (see steps in figure 5 for the general functionality).

What may not be clear from the *Chauh* reference is an encapsulating unit 204 and de-capsulation unit 207 as disclosed by applicant that aggregates the traffic such that "a set of the traffics appear as if being one session" and as supported at least by applicant's specification on page 15, lines 7-11. Examiner notes it would have been obvious to someone skilled in the art prior to applicant's invention to provide functional units to

Art Unit: 2663

aggregate the traffic so that a set of the traffics appear as if being one session. As support and motivation, *Chauh* attempts to cure the deficiency by disclosing the functionality for both logical units in general terms for aggregating the traffic (see at least column 3, lines 23-57). In addition, as further support and motivation (and for which *Chauh* also relies on), *Guerin* discloses aggregating RSVP-based QoS requests which also discloses encapsulation (and decapsulation) as mentioned at least in section 3.1 (page 5) thus also creating a motivation for an encapsulation and de-capsulation unit so that “a set of traffics appears as if being one session”.

As to **claims 2-3**, see the rejection for claim 1.

As to **claim 4**, both references use the RSVP protocol (e.g., see *Chauh* column 3, lines 23-24).

As to **claims 5 and 6**, see figure 3 of *Chauh*.

As to **claims 7-17**, *Chauh* discloses distinguishing traffic based on IP and UDP port numbers (see column 3, lines 22-54). Examiner notes that it would have been obvious to someone skilled in the art to also use other identifiers as well such as destination and source addresses (i.e., pairs of addresses). As support and motivation, *Guerin* discloses such techniques (see Section 3 from pages 5-7).

As to **claim 19**, see column 5, lines 42-60 of *Chauh*.

As to **claims 22-23**, see figure 3 of *Chauh*. Examiner notes a reasonable but broad interpretation of “functions” (see column 3, lines 24-65; column 4, lines 1-38).

3. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,519,254 to *Chauh et al.* (“*Chauh*”) in view of “Aggregating RSVP-based QoS Requests” to

Art Unit: 2663

*Guerin et al.* (“*Guerin*”) and in further view of U.S. Patent No. 6,091,709 to *Harrison et al.* (“*Harrison*”).

As to **claim 18**, both *Chauhi* and *Guerin* are silent or deficient to transmitting dummy packets in order to maintain a level of QoS. However, the examiner notes that it would have been obvious to someone skilled in the art prior to applicant’s invention to use dummy packets in order to preserve QoS. As support and motivation, *Harrison* discloses using dummy packets in order to preserve QoS such as for RSVP (e.g., see column 4, lines 56-67). Thus *Harrison* cures the deficiency by using dummy packet in order to maintain a level of QoS as is known in the art.

4. **Claims 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,519,254 to *Chauh et al.* (“*Chauh*”) in view of “Aggregating RSVP-based QoS Requests” to *Guerin et al.* (“*Guerin*”) and in further view of “Stage Refresh Timers for RSVP” to *Pan et al.* (“*Pan*”).

As to **claims 20-21**, both *Chauhi* and *Guerin* are silent or deficient to using refresh timers. However, the examiner notes that it would have been obvious to someone skilled in the art prior to applicant’s invention to use refresh timers. As support and motivation, *Pan* cures the deficiency by disclosing refresh timers for RSVP (e.g., see Abstract). Examiner also notes a broad but reasonable interpretation of “schedule timer”.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

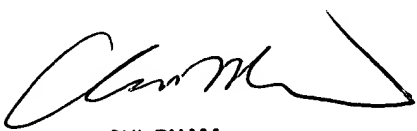
Art Unit: 2663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Derrick W. Ferris  
Examiner  
Art Unit 2663

  
DWF

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 9/15/03